

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINNIE THOMAS, et al.,

Plaintiffs,

v.

ALBERTSON'S; and SEATTLE OFFICE OF
CIVIL RIGHTS,

Defendants.

CASE NO. C06-1106C

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Plaintiffs have filed a Complaint (Dkt. No. 4) alleging violations of 42 U.S.C. § 1983. To state a claim under § 1983, Plaintiffs must establish (1) that they were “deprived of a right secured by the Constitution or laws of the United States” and (2) that “the alleged deprivation was committed under color of state law.” *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49–50 (1999). The “under-color-of-state-law element of § 1983 excludes from its reach ‘merely private conduct no matter how discriminatory or wrongful.’” *Id.* (quoting *Blum v. Yaretsky*, 457 U.S. 991, 1002 (1982)) (additional internal quotes omitted).

With respect to Plaintiffs’ claim against Defendant Albertson’s, regardless of the rights Plaintiffs

1 seek to protect under the first element of § 1983, they fail the second element because they allege no state
2 action on the part of Albertson's.

3 With respect to the claim against Defendant Seattle Office of Civil Rights, Plaintiffs have not
4 alleged any facts that could show that their alleged injuries were the result of a "policy or custom"
5 practiced by the municipal agency. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978).

6 Unless Plaintiffs can allege cognizable claims against these Defendants or additional parties, their
7 Complaint will be dismissed. Accordingly, Plaintiffs are ORDERED to SHOW CAUSE **by November 3,**
8 **2006** why their Complaint should not be dismissed for failure to state a claim upon which relief can be
9 granted. *See* FED. R. CIV. P. 12(b)(6). Plaintiffs may submit, along with their Response to this Show
10 Cause Order, a proposed Amended Complaint.

11 DATED this 15th day of September, 2006.

12 BRUCE RIFKIN, Clerk of Court

13 By /s/ C. Ledesma
14 Deputy Clerk
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